

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AMENDING THE FY2015 [7701 TRUST FUND] BUDGET BY TRANSFERRING THE AMOUNT OF ONE HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND ZERO/100 DOLLARS (\$151,488.00) TO THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT FOR THE PURPOSE OF PROVIDING FUNDING FOR THE ACQUISITION AND INSTALLATION OF AN ENERGY EFFICIENT LIGHTING PROJECT; ALL WORK TO BE CHARGED TO AND PAID FROM ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

Workflow List:

Denise Quarles	Completed	06/26/2014 2:24 PM
Mariangela Corales	Completed	06/26/2014 2:35 PM
Finance	Completed	06/27/2014 8:58 AM
Information Technology	Skipped	06/26/2014 10:08 AM
Procurement	Skipped	06/26/2014 10:08 AM
Adam Smith	Skipped	06/26/2014 10:08 AM
Mayor's Office	Completed	06/27/2014 9:45 AM
Office of Research and Policy Analysis	Completed	07/01/2014 12:12 PM
Finance/Executive Committee	Completed	07/17/2014 1:07 PM
Atlanta City Council	Completed	07/24/2014 12:27 PM
Finance/Executive Committee	Pending	
Mayor's Office	Pending	

HISTORY:

07/16/14	Finance/Executive Committee	
07/21/14	Atlanta City Council	REFERRED TO COMMITTEE

RESULT:	REFERRED TO COMMITTEE [10 TO 0]	Next: 7/30/2014 1:00 PM
AYES:	Norwood, Dickens, Smith, Young Jr., Archibong, Wan, Adrean, Moore, Martin, Sheperd	
ABSENT:	Michael Julian Bond, Kwanza Hall, Howard Shook, Keisha Lance Bottoms	
AWAY:	Cleta Winslow	

RESULT:	REFERRED TO COMMITTEE [10 TO 0]	Next: 7/30/2014 1:00 PM
AYES:	Norwood, Dickens, Smith, Young Jr., Archibong, Wan, Adrean, Moore, Martin, Sheperd	
ABSENT:	Michael Julian Bond, Kwanza Hall, Howard Shook, Keisha Lance Bottoms	
AWAY:	Cleta Winslow	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AMENDING THE FY2015 [7701 TRUST FUND] BUDGET BY TRANSFERRING THE AMOUNT OF ONE HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND ZERO/100 DOLLARS (\$151,488.00) TO THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT FOR THE PURPOSE OF PROVIDING FUNDING FOR THE ACQUISITION AND INSTALLATION OF AN ENERGY EFFICIENT LIGHTING PROJECT; ALL WORK TO BE CHARGED TO AND PAID FROM ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

WHEREAS, through the Power to Change sustainability plan, the Office of Sustainability has an aim to make the City of Atlanta (“City”) more sustainable by improving the City’s “green” programs and policies, such as reducing energy usage of municipal operations; and

WHEREAS, improving the efficiency of lighting use can have a major environmental impact, while reducing utility costs; and

WHEREAS, the Office of Enterprise Assets Management is also committed to “green” programs and policies and seeks the financial savings associated with such programs and policies; and

WHEREAS, the Office of Enterprise Assets Management desires to participate in the Office of Sustainability’s Energy Efficient Lighting Project (the “Project”), which will replace outdated and inefficient lighting with new light emitting diode (LED) equipment and that will dramatically reduce energy expenditure, while improving average lighting levels and lighting distribution; and

WHEREAS, the Office of Sustainability has funds available under the Sustainability Projects fund to pursue initiatives such as the Project; and

WHEREAS, the Office of Sustainability desires to loan funds to the Office of Enterprise Assets Management to finance the acquisition and installation of the Project and for other expenses directly related to the Project; and

WHEREAS, the Director of the Office of Sustainability and the Director of the Office of Enterprise Assets Management will memorialize the terms of the Project and loan in a Memorandum of Understanding (“MOU”) in substantially similar form to the document attached hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The FY2015 [7701 TRUST FUND] Budget is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

Fund	7701	Trust Fund
Dept	040301	EXE COO
Account	5413002	Building Improvements
Func/Activity	1320000	CHIEF EXECUTIVE
Project	600388	Sustainability Projects
Allocated Amount	\$151,488.00	

TRANSFER TO APPROPRIATIONS

Fund	3503	Capital Finance Fund
Dept	040416	Exe. Capital Projects
Account	5999999	Projects & Grants Budget
Func/Activity	1512000	Accounting
Project	211595	COA Citywide Re-Stacking
Fund Source	92128	COA Citywide Re-Stacking
Allocated Amount	\$151,488.00	

SECTION 2. That loan funds repaid by Office of Enterprise Assets Management to the Office of Sustainability shall be charged from:

Fund	1001	General Fund
Dept	040402	EXE FACILITY MAINTENANCE - CITY HALL
Account	6110116	OPER TRANSF OUT TO 7701
Func/Activity	1565000	Gen Gov-Bldg. & Plants

and deposited into:

Fund	7701	Trust Fund
Dept	040401	Exe COO
Account	3912001	OPER TRANSF FROM FUND 1001
Func/Activity	1320000	Chief Exe
Project	600388	Sustainability Project

in an amount not to exceed One Hundred Fifty-One Thousand Four Hundred Eighty-Eight and Zero/100 Dollars (\$151,488.00) calculated from the final Project costs (as defined by the MOU) over a period not exceeding two (2) years, as further defined by the MOU.

SECTION 3. All ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

**AN ORDINANCE
BY FINANCE/EXECUTIVE COMMITTEE**

AN ORDINANCE AMENDING THE FY2015 [7701 TRUST FUND] BUDGET BY TRANSFERRING THE AMOUNT OF ONE HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND ZERO/100 DOLLARS (\$151,488.00) TO THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT FOR THE PURPOSE OF PROVIDING FUNDING FOR THE ACQUISITION AND INSTALLATION OF AN ENERGY EFFICIENT LIGHTING PROJECT; ALL WORK TO BE CHARGED TO AND PAID FROM ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

WHEREAS, through the Power to Change sustainability plan, the Office of Sustainability has an aim to make the City of Atlanta (“City”) more sustainable by improving the City’s “green” programs and policies, such as reducing energy usage of municipal operations; and

WHEREAS, improving the efficiency of lighting use can have a major environmental impact, while reducing utility costs; and

WHEREAS, the Office of Enterprise Assets Management is also committed to “green” programs and policies and seeks the financial savings associated with such programs and policies; and

WHEREAS, the Office of Enterprise Assets Management desires to participate in the Office of Sustainability’s Energy Efficient Lighting Project (the “Project”), which will replace outdated and inefficient lighting with new light emitting diode (LED) equipment and that will dramatically reduce energy expenditure, while improving average lighting levels and lighting distribution; and

WHEREAS, the Office of Sustainability has funds available under the Sustainability Projects fund to pursue initiatives such as the Project; and

WHEREAS, the Office of Sustainability desires to loan funds to the Office of Enterprise Assets Management to finance the acquisition and installation of the Project and for other expenses directly related to the Project; and

WHEREAS, the Director of the Office of Sustainability and the Director of the Office of Enterprise Assets Management will memorialize the terms of the Project and loan in a Memorandum of Understanding (“MOU”) in substantially similar form to the document attached hereto as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The FY2015 [7701 TRUST FUND] Budget is hereby amended as follows:

TRANSFER FROM APPROPRIATIONS

Fund	7701	Trust Fund
Dept	040301	EXE COO
Account	5413002	Building Improvements
Func/Activity	1320000	CHIEF EXECUTIVE
Project	600388	Sustainability Projects
Allocated Amount	\$151,488.00	

TRANSFER TO APPROPRIATIONS

Fund	3503	Capital Finance Fund
Dept	040416	Exe. Capital Projects
Account	5999999	Projects & Grants Budget
Func/Activity	1512000	Accounting
Project	211595	COA Citywide Re-Stacking
Fund Source	92128	COA Citywide Re-Stacking
Allocated Amount	\$151,488.00	

SECTION 2. That loan funds repaid by Office of Enterprise Assets Management to the Office of Sustainability shall be charged from:

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Dept	040402	EXE FACILITY MAINTENANCE - CITY HALL
Account	6110116	OPER TRANSF OUT TO 7701
Func/Activity	1565000	Gen Gov-Bldg. & Plants

and deposited into:

Fund	7701	Trust Fund
Dept	040401	Exe COO
Account	3912001	OPER TRANSF FROM FUND 1001
Func/Activity	1320000	Chief Exe
Project	600388	Sustainability Project

in an amount not to exceed One Hundred Fifty-One Thousand Four Hundred Eighty-Eight and Zero/100 Dollars (\$151,488.00) calculated from the final Project costs (as defined by the MOU) over a period not exceeding two (2) years, as further defined by the MOU.

SECTION 3. All ordinances in conflict with this ordinance shall be waived to the extent of the conflict.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE OFFICE OF SUSTAINABILITY AND
THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into as of the ____ day of _____, 2014 (“Effective Date”), between the Department of Executive Offices, Office of Sustainability (“Sustainability”) and the Office of Enterprise Assets Management (“OEAM”) for purpose of funding the Energy Efficient Lighting Project (“Project”), as further described below.

BACKGROUND

WHEREAS, the City of Atlanta (“City”) launched the Power to Change sustainability plan to make the City, through Sustainability, more sustainable by improving the City’s green programs and policies, such as improving the efficiency of water, heating, and lighting use of municipal operations, which can have a major environmental impact, while reducing utility costs; and

WHEREAS, Sustainability operates a revolving loan fund authorized pursuant to Ordinance 09-O-1301 adopted by the Atlanta City Council on August 14, 2009 and approved by the Mayor on August 25, 2009 (“Loan Funds”) to develop, promote, implement, and manage municipal projects and programs that advance the goals of the Power to Change sustainability plan for the benefit of the City, including for the purpose of the Project, which replaces outdated and inefficient lighting with new light emitting diode (LED) equipment and other high efficiency lighting equipment, dramatically reducing energy expenditures while improving average lighting levels and lighting distribution; and

WHEREAS, OEAM is undertaking a major renovation of City Hall’s Fifth Floor where the Project will be implemented utilizing Loan Funds in an amount not to exceed One Hundred Fifty-One Thousand Four Hundred Eighty-Eight and Zero/100 Dollars (\$151,488.00) (“Project Costs”); and

WHEREAS, upon completion of the Project, OEAM will use expected costs savings realized by the Project to repay Sustainability Loan Funds expended on the Project within two (2) years in an amount not to exceed the total Project costs, according to the payment arrangements set forth below; and

WHEREAS, Sustainability and OEAM desire to memorialize the Loan Funds repayment terms in this Memorandum of Understanding (“MOU”) in order to facilitate coordination of the Project, according to the terms and conditions set forth below; and

WHEREAS, this MOU is authorized pursuant to Ordinance 09-O-1301 adopted by the Atlanta City Council on August 14, 2009 and approved by the Mayor on August 25, 2009.

NOW THEREFORE, the parties agree as follows:

Section 1. Sustainability Responsibilities.

- 1.1 Sustainability shall make available the Loan Funds to OEAM for implementation of the Project in an amount of up to One Hundred Fifty-One Thousand Four Hundred Eighty-Eight and Zero/100 Dollars (\$151,488.00). All amounts needed for the Project shall be transferred from 7701 (Trust Fund) 040301 (EXE COO) 5413002 (Building Improvements) 1320000 (Chief Executive) 600388 (Sustainability Projects) and transferred to 3503 (Capital Finance Fund) 040416 (Exe Capital Projects) 5999999 (Project s& Grants) 1512000 (Accounting)

Attachment: MOU_OOS and OEAM (14-O-1374 : Sustainability Project for City Hall Lighting Retrofit)

211595 (CoaCitywide Re-Stacking) 92128 (COA Citywide Re-Stacking). In the event that the total Project Costs for the Project exceed One Hundred Fifty-One Thousand Four Hundred Eighty-Eight and Zero/100 Dollars (\$151,488.00). Sustainability and OEAM's may mutually agree to increase the total not to exceed amount of the Project which would result in an overall increase in the total amount OEAM shall be obligated to repay Sustainability for the Project, pursuant to the terms and conditions of payment set forth in Section 3 below of this MOU.

- 1.2 Sustainability shall undertake reasonable efforts to secure any available third party rebates and incentives resulting from the Project. Any such rebates or credits resulting from the Project are payable fifty percent (50%) to Sustainability and fifty percent (50%) to OEAM as set forth in Section 3 below.

Section 2. OEAM Responsibilities.

- 2.1 OEAM has entered into an agreement with Bryson Constructors ("Contractor"), through the FC-6828, for the purpose of the Project. OEAM will be responsible for managing the Contractor and the Project, including reviewing and approving all applicable payment applications.
- 2.2 As part of the final completion of the Project, OEAM shall ensure that the Contractor furnishes a final report of a pre-installation and post-installation measurement of the energy consumption performance of all fixture types installed at the site under the Project.

Section 3. Payment Terms.

- 3.1 Prior to Sustainability issuing payment, OEAM must agree in writing that it will ensure all work will be fully performed in accordance with the Project requirements and agreement terms. Sustainability will not issue payment without OEAM's written confirmation.
- 3.2 Upon final completion of the Project, OEAM must provide Sustainability with a final accounting report of final Project Costs, with all supporting documentation, for Sustainability's review and confirmation. Upon receipt of such report and documents, Sustainability shall have the right to audit all Project records to confirm Project Costs, which shall be determined by Sustainability and OEAM and shall be certified in a document executed by the directors of each office. The final Project Costs shall take into consideration any adjustments made to the Project Costs for (i) any approved Project overruns and (ii) any Project under-runs that shall be credited to OEAM's payment obligations under this Section 3.
- 3.3 Beginning the first day of the first quarter following receipt from OEAM of notice of final completion and certification of the final Project Costs, as set forth in Section 3.2, OEAM shall pay final Project Costs to Sustainability, payable in equal quarterly payments over a term not to exceed two (2) years.
- 3.4 OEAM may retain all funds realized from cost savings for the Project after all payment obligations are Paid-In-Full.
- 3.5 That loan funds repaid by Office of Enterprise Assets Management to the Office of Sustainability shall be charged from:

Fund	1001	General Fund
Dept	040402	EXE FACILITY MAINTENANCE - CITY HALL
Account	6110116	OPER TRANSF OUT TO 7701
Func/Activity	1565000	Gen Gov-Bldg. & Plants

and deposited into:

Fund	7701	Trust Fund
Dept	040301	Exe COO
Account	3912001	OPER TRANSF FROM FUND 1001
Func/Activity	1320000	Chief Exe
Project	600388	Sustainability Project

in an amount not to exceed One Hundred Fifty-One Thousand Four Hundred Eighty-Eight and Zero/100 Dollars (\$151,488.00) calculated from the final Project costs (as defined by the MOU) over a period not exceeding two (2) years, as further defined by the MOU.

Section 4. General Terms.

- 4.1 Entire Agreement. This MOU contains the entire agreement of the parties with respect to its subject matter and no representations or agreements, oral or otherwise, which are not set forth in this MOU, will be of any force or effect.
- 4.2 Term. The term of this MOU begins effective _____ and ends upon final completion of the Project and OEAM's full repayment of the Loan Funds to Sustainability.

Director of Sustainability

Director of Office of Enterprise Assets Management

Approved as to Form

Assistant City Attorney

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview:

Caption:

Council Meeting Date:

Requesting Dept.:

FAC Confirmed by:

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to amend FY2015 (Trust Fund)
Budget to transfer funds from Sustainability Projects to OEAM in the
amount of \$151,488.00

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

The Office of Enterprise Assets Management desires to participate in the Office of Sustainability's Energy Efficient Lighting Project (the "Project"), which will replace outdated and inefficient lighting with new light emitting diode (LED) equipment and that will dramatically reduce energy expenditure, while improving average lighting levels and lighting distribution;

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**
- (b) **Source Selection:**
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**
- (e) **Number of Bids:**
- (f) **Proposals Received:**
- (g) **Bidders/Proponents:**
- (h) **Term of Contract:**

4. Fund Account Center (*Ex. Name and number*):

TRANSFER FROM APPROPRIATIONS

Fund: 7701 (Trust Fund)

Dept: 040301 (EXE COO)

Account: 5413002 (Building Improvements)

Func/Activity: 1320000(CHIEF EXECUTIVE)

Project: 600388 (Sustainability Projects)

TRANSFER TO APPROPRIATIONS

Fund 3503 (Capital Finance Fund)

Dept 040416 (Exe. Capital Projects)

Account 5999999 (Projects & Grants Budget)

Func/Activity 1512000 (Accounting)

Projec 211595 (COA Citywide Re-Stacking)

Fund Source 92128 (COA Citywide Re-StackingProject)

Fund: _____ **Account:** _____ **Center:** _____

5. **Source of Funds:** *Example: Local Assistance Grant* Sustainability Projects Funds

6. **Fiscal Impact:** This legislation will amend the FY2015 (Trust Fund) Budget to transfer \$151,488.00.

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. **Method of Cost Recovery:** Stipulated energy savings.

Examples:

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Ruthie Norton

(Do Not Write Above This Line)	First Reading Committee _____ Date _____ Chair _____ Referred To _____		FINAL COUNCIL ACTION <input type="checkbox"/> 2nd <input type="checkbox"/> 1st & 2nd <input type="checkbox"/> 3rd Readings <input type="checkbox"/> Consent <input type="checkbox"/> V Vote <input type="checkbox"/> RC Vote CERTIFIED
	AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AN ORDINANCE AMENDING THE FY2015 (7701 TRUST FUND) BUDGET BY TRANSFERRING THE AMOUNT OF ONE HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND ZERO (100 DOLLARS (\$151,488.00) TO THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT FOR THE PURPOSE OF PROVIDING FUNDING FOR THE ACQUISITION AND INSTALLATION OF AN ENERGY EFFICIENT LIGHTING PROJECT. ALL WORK TO BE CHARGED TO AND PAID FROM ACCOUNTS LISTED BELOW, AND FOR OTHER PURPOSES.	Committee Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Referred To _____	
<input type="checkbox"/> CONSENT REFER <input type="checkbox"/> REGULAR REPORT REFER <input type="checkbox"/> ADVERTISE & REFER <input type="checkbox"/> 1st ADOPT 2nd READ & REFER <input type="checkbox"/> PERSONAL PAPER REFER	Committee Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Referred To _____	Committee Date _____ Chair _____ Action Fav, Adv, Hold (see rev. side) Other _____ Members _____ Referred To _____	MAYOR'S ACTION
Date Referred			
Referred To:			
Date Referred			
Referred To:			
Date Referred			
Referred To:			

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Denise QuarlesContact Number: 404-865-8717Originating Department: EXE – SustainabilityCommittee(s) of Purview: Finance ExecutiveChief of Staff Deadline: June 20, 2014Anticipated Committee Meeting Date(s): July 16, 2014; July 30, 2014Anticipated Full Council Date: July 21, 2014; August 18, 2014Legislative Counsel's Signature: [Signature]Commissioner's Signature: [Signature]Chief Financial Officer: [Signature]Chief Information Officer Signature (for IT Procurements) N/AChief Procurement Officer Signature: N/A**CAPTION**

AN ORDINANCE AMENDING THE FY2015 [7701 TRUST FUND] BUDGET BY TRANSFERRING THE AMOUNT OF ONE HUNDRED FIFTY-ONE THOUSAND FOUR HUNDRED EIGHTY-EIGHT AND ZERO/100 DOLLARS (\$151,488.00) TO THE OFFICE OF ENTERPRISE ASSETS MANAGEMENT FOR THE PURPOSE OF PROVIDING FUNDING FOR THE ACQUISITION AND INSTALLATION OF AN ENERGY EFFICIENT LIGHTING PROJECT; ALL WORK TO BE CHARGED TO AND PAID FROM ACCOUNTS LISTED BELOW; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: \$151,488.00

Mayor's Staff Only

Received by CPO: _____
(date)Received by LC from CPO: _____
(date)Received by Mayor's Office: Denise Quarles 6/20/14
(date)Reviewed by: [Signature]
(date)

Submitted to Council: _____ (date)

Attachment: cycle 13- sustainability-1 (14-O-1374 : Sustainability Project for City Hall Lighting Retrofit)